

AMENDED IN SENATE JULY 8, 2003

AMENDED IN ASSEMBLY MAY 5, 2003

AMENDED IN ASSEMBLY APRIL 23, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1210

Introduced by Assembly Member Nakano

February 21, 2003

An act to amend Sections 8201 and 8203.1 of, and to add Section 8201.2 to, the Government Code, relating to notaries public.

LEGISLATIVE COUNSEL'S DIGEST

AB 1210, as amended, Nakano. Notaries public: qualifications.

Existing law establishes the qualifications for notaries public and requires, among other things, that the person have satisfactorily completed a written examination prescribed by the Secretary of State to determine the fitness of the person to exercise the functions of the office of notary public.

This bill would also require any person, in order to qualify as a notary public, to have satisfactorily completed a 6-hour course of study approved or provided by the Secretary of State concerning the functions and duties of a notary public prior to his or her reappointment. The bill would also require a person who applies for reappointment as a notary public to complete a 3-hour refresher course.

The bill would require the Secretary of State to review any course of study proposed by a vendor pursuant to the bill, to approve any course of study that includes all material that a person is expected to know to

satisfactorily complete the written examination, and to compile a list of all persons offering approved courses.

The bill would prescribe a specified civil penalty *and require restitution where appropriate* for violation of *any regulation adopted by the Secretary of State pursuant to* the provisions of the bill by a person who provides notary public education.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8201 of the Government Code is
2 amended to read:

3 8201. (a) Every person appointed as notary public shall meet
4 all of the following requirements:

5 (1) Be at the time of appointment a legal resident of this state,
6 except as otherwise provided in Section 8203.1.

7 (2) Be not less than 18 years of age.

8 (3) Have satisfactorily completed a six-hour course of study
9 approved by the Secretary of State pursuant to Section 8201.2
10 concerning the functions and duties of a notary public.

11 (4) Have satisfactorily completed a written examination
12 prescribed by the Secretary of State to determine the fitness of the
13 person to exercise the functions and duties of the office of notary
14 public. All questions shall be based on the law of this state as set
15 forth in the booklet of the laws of California relating to notaries
16 public distributed by the Secretary of State.

17 (b) (1) Each applicant for notary public shall provide
18 satisfactory proof that he or she has completed the course of study
19 required pursuant to paragraph (3) of subdivision (a) prior to
20 approval of his or her appointment as a notary public by the
21 Secretary of State.

22 (2) An applicant for notary public who holds a California
23 notary public commission, and who has satisfactorily completed
24 the six-hour course of study required pursuant to paragraph (1) at
25 least one time, shall provide satisfactory proof when applying for
26 reappointment as a notary public that he or she has satisfactorily
27 completed a three-hour refresher course of study prior to
28 reappointment as a notary public by the Secretary of State.



SEC. 2. Section 8201.2 is added to the Government Code, to read:

8201.2. (a) The Secretary of State shall review the course of study and any refresher course proposed by any vendor to be offered pursuant to paragraph (3) of subdivision (a) and paragraph (2) of subdivision (b) of Section 8201. If the course of study includes all material that a person is expected to know to satisfactorily complete the written examination required pursuant to paragraph (4) of subdivision (a) of Section 8201, the Secretary of State shall approve the course of study.

(b) (1) The Secretary of State shall, by regulation, prescribe an application form and adopt a certificate of approval for the notary public education course of study proposed by a vendor.

(2) The Secretary of State may also provide a notary public education course of study.

(c) The Secretary of State shall compile a list of all persons offering an approved course of study pursuant to subdivision (a) and shall provide the list with every booklet of the laws of California relating to notaries public distributed by the Secretary of State.

(d) (1) A person who provides notary public education and violates ~~this section~~, or any of the regulations adopted by the Secretary of State for approved vendors is subject to a civil penalty not to exceed one thousand dollars (\$1,000) for each violation *and shall be required to pay restitution where appropriate.*

(2) The local district attorney, city attorney, or the Attorney General may bring a civil action to recover the civil penalty prescribed pursuant to this subdivision.

SEC. 3. Section 8203.1 of the Government Code is amended to read:

8203.1. The Secretary of State may appoint and commission notaries public for the military and naval reservations of the Army, Navy, Coast Guard, Air Force, and Marine Corps of the United States, wherever located in the state; provided, however, that the appointee shall be a citizen of the United States, not less than 18 years of age, and must meet the requirements set forth in paragraphs (3) and (4) of subdivision (a) of Section 8201.